

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MUSTAFA-EL K.A. AJALA,
formerly known as Dennis E. Jones-El,

Plaintiff,

v.

WILLIAM SWIEKATOWSKI,
GARY BOUGHTON, PATRICK BRANDT,
MICHAEL DELVAUX and WILLIAM POLLARD,

Defendants.

ORDER

13-cv-638-bbc

In an order entered on September 16, 2013, this case was severed from case 13-cv-102-bbc. Plaintiff Mustafa-El Ajala was advised that he must pay an initial partial payment of the \$350.00 filing fee in the amount of \$19.20 if he intended to proceed in this case. To date, plaintiff has not paid the \$19.20 initial partial payment. On November 20, 2013, plaintiff submitted a motion requesting that the court apply the installment payments made in his other cases in this court to the initial partial payment in this case. Plaintiff's motion will be granted.

In his motion, plaintiff says that the court would receive a \$19.75 check for the installments in his other cases. Instead of a \$19.75 check that plaintiff said was forthcoming, the clerk's office has received a check in the amount of \$11.16. That amount will be applied toward plaintiff's \$19.20 initial partial payment in this case. Now plaintiff owes \$8.04 of the \$19.20 initial partial filing fee.

If plaintiff does not have the money to make the remainder of his initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that plaintiff is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount plaintiff must pay at this time is the \$8.04 remainder of the initial partial payment. Before prison officials take

any portion of that amount from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount plaintiff owes. Plaintiff should show a copy of this order to prison officials to insure that they are aware they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff Mustafa-El Ajala's motion to apply his recent installment payments to this case, dkt. #8, is GRANTED. Plaintiff may have until December 27, 2013, in which submit \$8.04 as the remainder of his initial partial payment of the \$350.00 fee for filing this case. If, by December 27, 2013, plaintiff fails to make the necessary \$8.04 payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 9th day of December 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge